ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	SUPERSEDING INDICTMENT
- v. -	S1 16 Cr. 832 (KMK)
NICHOLAS TARTAGLIONE,	
Defendant.	

COUNT ONE

The Grand Jury charges:

1. From at least in or about June 2015, up to and including in or about April 2016, in the Southern District of New York and elsewhere, NICHOLAS TARTAGLIONE, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that NICHOLAS TARTAGLIONE, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that NICHOLAS TARTAGLIONE, the defendant, conspired to distribute and possess with intent to distribute was 5 kilograms and more of mixtures

and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about April 2016, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, NICHOLAS TARTAGLIONE, the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Martin Luna, in and around a bar known as the Likquid Lounge at 69 Brookside Avenue, Chester, New York, and did aid and abet the same.

(Title 21, United States Code, Section 848(e)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. In or about April 2016, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to

distribute, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, NICHOLAS TARTAGLIONE, the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Urbano Santiago, in and around a bar known as the Likquid Lounge at 69 Brookside Avenue, Chester, New York, and did aid and abet the same.

(Title 21, United States Code, Section 848(e)(1)(A); Title 18, United States Code, Section 2.)

COUNT FOUR

The Grand Jury further charges:

6. In or about April 2016, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, NICHOLAS TARTAGLIONE, the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Miguel Luna, in and around a bar known as the Likquid Lounge at 69 Brookside Avenue, Chester, New York, and did aid and abet the same.

(Title 21, United States Code, Section 848(e)(1)(A); Title 18, United States Code, Section 2.)

COUNT FIVE

The Grand Jury further charges:

7. In or about April 2016, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, NICHOLAS TARTAGLIONE, the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Hector Gutierrez, in and around a bar known as the Likquid Lounge at 69 Brookside Avenue, Chester, New York, and did aid and abet the same.

(Title 21, United States Code, Section 848(e)(1)(A); Title 18, United States Code, Section 2.)

SPECIAL FINDINGS AS TO NICHOLAS TARTAGLIONE

8. Count Two of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Two, alleging the murder of Martin Luna, the defendant NICHOLAS TARTAGLIONE:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A)); and

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)).

9. Count Three of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three, alleging the murder of Urbano Santiago, the defendant NICHOLAS TARTAGLIONE:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A)); and

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)).

10. Count Four of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Counts Four, alleging the murder of Miguel Luna, the defendant NICHOLAS TARTAGLIONE:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A)); and

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)).

11. Count Five of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Five, alleging the murder of Hector Gutierrez, the defendant NICHOLAS TARTAGLIONE:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A)); and

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)).

FOREPERSON

12/19/16

Preet Bharara

PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SUPERSEDING INDICTMENT

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(21 U.S.C. §§ 846 and 848(e);
18 U.S.C. § 2.)

PREET BHARARA
United States Attorney.

Foreperson

12/19/16 Superseding Indictment filed
Daniels, J.